

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

UNITED STATES OF AMERICA

V.

CRIMINAL NO. 4:15CR00050-SA-JMV

MICHAEL ALLEN TARVER

ORDER

Before the Court are Defendant Michael Allen Tarver's Motion to Compel [59] and Motion for Issuance of Subpoena Duces Tecum [60]. Consistent with the Court's ruling from the bench during a telephonic hearing held today, Defendant's Motion to Compel is granted in limited part only. Accordingly, with respect to the FBI, counsel for the government shall within seven (7) days of this date make inquiry concerning the existence of any investigative materials related to the charges in the indictment against defendant and obtain from that agency written verification regarding the status of the same, which written verification shall be immediately provided to defense counsel. With respect to the Mississippi Bureau of Investigation ("MBI"), counsel for the government shall within five (5) days of this date contact the MBI to determine the availability of any investigative documents related to the charges in the indictment against defendant and relay the outcome of said inquiry to defense counsel via email. Because defense counsel has provided no basis for challenging the government's representation that all relevant information from the EPA and the Mississippi Highway Patrol that defendant is entitled to has been produced, the motion is denied in this part as moot.

With respect to the Motion for Issuance of Subpoena, as noted from the bench and confirmed by review of the docket, neither the current motion nor the proposed subpoena was served on the alleged victim of the crime at issue in this case. In the absence of such notice—and failing

exceptional circumstances which have not been alleged here—the motion is not ripe pursuant to *Federal Rule of Criminal Procedure* 17 and is, accordingly, denied. The motion may be re-urged, provided notice is given the alleged victim and the movant clarifies whether the subpoena is for production at trial or in advance of trial.

SO ORDERED this 4th day of January, 2016.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE